

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

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AMERICAN ITALIAN PASTA
COMPANY,

Opposer

v.

BARILLA G. E R. FRATELLI – SOCIETA
PER AZIONI,

Applicant

Opposition No. 91-161,373

NOTICE OF DEPOSITION

PLEASE TAKE NOTICE THAT pursuant to 37 C.F.R. 2.123, Applicant, Barilla G. E R. Fratelli – Societa Per Azioni, by and through its attorneys, will take the deposition of Sergio Pereira before a Notary Public, or other officer authorized to administer oaths and will be recorded by stenographic and/or audiovisual means, commencing Tuesday, December 19, 2006, at 2:00 p.m. at 1200 Lakeside Drive, Bannockburn, IL 60015.

You are invited to attend and cross-examine.

Dated: December 7, 2006

Respectfully submitted,



Brian Banner, Esq.
G. Franklin Rothwell, Esq.
Rothwell, Figg, Ernst & Manbeck
1425 K Street, NW, Suite 800
Washington, DC 20005
Telephone: (202) 783-6040
Facsimilie: (202) 783-6031

CERTIFICATE OF SERVICE

I certify that on this 7th day of December, 2006, a true copy of the foregoing Notice of Deposition of Mr. Sergio Pereira was served by first class mail, postage prepaid to:

Thomas H. Van Hoozer, Esq.
Hovey Williams, LLP.
2405 Grand Boulevard
Suite 400
Kansas City, MO64108

Counsel for Opposer

A handwritten signature in cursive script, reading "Brian Banner", is written over a horizontal line.

Brian Banner, Esq.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
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AMERICAN ITALIAN PASTA
COMPANY,

Opposer

v.

BARILLA G. E R. FRATELLI – SOCIETA
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Applicant

Opposition No. 91-161,373

NOTICE OF DEPOSITION

PLEASE TAKE NOTICE THAT pursuant to 37 C.F.R. 2.123, Applicant, Barilla G. E R. Fratelli – Societa Per Azioni, by and through its attorneys, will take the deposition of Ken Germain before a Notary Public, or other officer authorized to administer oaths and will be recorded by stenographic and/or audiovisual means, commencing Wednesday, December 20, 2006, at 12:00 p.m. at 312 Walnut Street, 14th Floor, Cincinnati, OH 45202.

You are invited to attend and cross-examine.

Dated: December 8, 2006

Respectfully submitted,



Brian Banner, Esq.
G. Franklin Rothwell, Esq.
Rothwell, Figg, Ernst & Manbeck
1425 K Street, NW, Suite 800
Washington, DC 20005
Telephone: (202) 783-6040

CERTIFICATE OF SERVICE

I certify that on this 8th day of December, 2006, a true copy of the foregoing Notice of Deposition of Mr. Ken Germain was served by first class mail, postage prepaid to:

Thomas H. Van Hoozer, Esq.
Hovey Williams, LLP.
2405 Grand Boulevard
Suite 400
Kansas City, MO64108

Counsel for Opposer

A handwritten signature in cursive script that reads "Brian Banner".

Brian Banner, Esq.

Issued by the
UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

OHIO

American Italian Pasta Company, Opposer

SUBPOENA IN A CIVIL CASE

V.

Barilla G. E R.

Fratelli-Societa, Applicant

Case Number:¹

Opposition No. 91161373

TO: Ken Germain
312 Walnut Street, 14th Floor
Cincinnati, OH 45202

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

312 Walnut Street, 14th Floor, Cincinnati, OH 45202

DATE AND TIME

December 20, 2006, 12:00 p.m.

- ☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

Attorney for Applicant

DATE

December 8, 2006

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Brian Banner, Rothwell, Figg, Ernst & Manbeck, 1425 K Street NW, Suite 800, Washington, DC 20005, (202) 783-6040

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER